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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2011-103

13 **SAYO ISERI**  
4267 Bannister Road  
Fair Oaks, CA 95628  
14 **Registered Nurse License No. 418108**

**ACCUSATION**

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
19 official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),  
20 Department of Consumer Affairs.

21 2. On or about August 31, 1987, the Board issued Registered Nurse License Number  
22 418108 to Sayo Iseri ("Respondent"). Respondent's registered nurse license was in full force and  
23 effect at all times relevant to the charges brought herein and will expire on August 31, 2011,  
24 unless renewed.

25 **STATUTORY PROVISIONS**

26 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that  
27 the Board may discipline any licensee, including a licensee holding a temporary or an inactive  
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license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct . . .

....

(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter or regulations adopted pursuant to it . . .

6. Code section 2725 states, in pertinent part:

....

(b) The practice of nursing within the meaning of this chapter means those functions, including basic health care, that help people cope with difficulties in daily living that are associated with their actual or potential health or illness problems or the treatment thereof, and that require a substantial amount of scientific knowledge or technical skill, including all of the following:

....

(2) Direct and indirect patient care services, including, but not limited to, the administration of medications and therapeutic agents, necessary to implement a treatment, disease prevention, or rehabilitative regimen *ordered by and within the scope of licensure of a physician, dentist, podiatrist, or clinical psychologist*, as defined by Section 1316.5 of the Health and Safety Code . . . (Emphasis added).

7. Code section 2726 states that "[e]xcept as otherwise provided herein, this chapter confers no authority to practice medicine or surgery."

### **COST RECOVERY**

8. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of

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1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
2 enforcement of the case.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct)**

5 9. At all times relevant herein, Respondent was employed as a registered nurse in the  
6 Birthing Center at Sutter Davis Hospital, Davis, California.

7 10. On or about December 6, 2008, Registered Nurse Leah Russo ("Russo") was assigned  
8 to work as the lead charge nurse in the labor and delivery unit on the evening shift, from 1900 to  
9 0700 hours. Registered nurse Denise Lynn Schroeder, also known as Deedee Schroeder  
10 ("Schroeder"), was the lead charge nurse on the day shift. Russo called Schroeder and related  
11 that she was very ill with a migraine headache. Schroeder indicated that another nurse had called  
12 in sick and that the shift was short staffed. Despite her condition, Russo came to work before  
13 1900 hours and went into the lounge to lie down. Russo was reported as feeling very ill.  
14 Schroeder decided that intravenous ("IV") fluids should be given to Russo to treat her vomiting;  
15 however, there was no physician's order for the IV fluids. Schroeder gathered the IV equipment  
16 and brought it into the lounge. In the interim, Respondent reported on duty and was asked to be  
17 the lead charge nurse in Russo's place. Schroeder asked Respondent to start the IV on Russo.  
18 Respondent asked Russo if she wanted the IV, and Russo indicated that she did. Respondent  
19 started the IV as directed by Schroeder.

20 11. Respondent is subject to disciplinary action pursuant to Code section 2761,  
21 subdivision (a), in that on or about December 6, 2008, Respondent committed acts constituting  
22 unprofessional conduct, as follows:

23 a. Respondent started the IV on Russo without following the five rights of medication  
24 administration in that she failed to check or ensure that there was a physician's order for the IV  
25 fluids.

26 b. Respondent failed to send Russo to the Emergency Department for treatment.

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